

Appl. No. 09/109,343
Amdt. dated 05/21/2004
Reply to Office Action of 02/25/2004

REMARKS

This Amendment is in response to the Office Action mailed February 25, 2004. In the Office Action, the Examiner rejected claims 1-3, 5, 7-11, 14, 16, 19, 21, and 23-32 under 35 U.S.C. § 103. Applicants have not amended any claims. Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 103

2. The Examiner rejects claims 1-3, 5, 7-11, 14, 16, 19, 21, and 23-32 under 35 U.S.C. § 103(a) as being unpatentable over Le Goff et al. (US 6,438,127).

Re claims 1, 8, 16, 24, and 26, the Examiner asserts that, "It is inherent that the routers in the IP network to include a processor and tables to perform routing of packets."

The Examiner must provide rationale or evidence tending to show inherency. MPEP § 2112. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original).

Applicants respectfully submit that the Examiner has merely asserted the inherency of using a plurality of tables to perform routing. The Examiner provides no rationale or evidence to support the asserted inherency.

The Examiner then takes the teaching of Le Goff that each VPN is associated with an VPN-ID and a disjointed partial address space (fig. 2 and col. 4, lines 37-51) and extrapolates this to the assertion that each table is associated with a different VPN. Le Goff has only a single sentence that makes any mention of the use of a table. Col. 4, lines 34-36. Le Goff teaches that, "No default route is entered in the routing table for packets with an unknown address at the access points of the data packet communication network."

Applicants can find nothing in Le Goff that teaches or suggests the use of more than one table. Nor can the applicants find anything in Le Goff that teaches or suggests that the one table disclosed by Le Goff is uniquely associated with a VPN.

Applicants respectfully submit that Le Goff does not inherently disclose the use of a plurality of tables and that Le Goff does not teach or suggest "a first table associated with the VPN, from among one or more separate tables, each table associated with a different VPN." The combination of Le Goff and common knowledge fails to teach each and every element of the invention of the claims.

Applicants rely on the patentability of the claims from which claim 27 depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional limitations recited.

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Re claims 2, 3, 9, and 10, the Examiner asserts that the tables in the fig. 1 router are routing tables or forwarding tables. Applicants respectfully submit that there is nothing in fig. 1 to teach or suggest tables much less that such tables are routing tables or forwarding tables.

Re claim 5, applicants rely on the patentability of the claims from which this claim depends to traverse the rejection without prejudice to any further basis for patentability of this claim based on the additional limitations recited.

Re claims 7, 27, and 28, applicants rely on the patentability of the claims from which these claims depend to traverse the rejection without prejudice to any further basis for patentability of these claims based on the additional limitations recited.

Re claim 11, the Examiner asserts that each of the routers of fig. 1 inherently maintains an VPN-ID table to distinguish over other VPNs. Applicants respectfully submit that the Examiner provides no rationale or evidence to support the asserted inherency. Even if the asserted inherency were true, applicants fail to understand how that would teach or suggest maintaining a forwarding table indexable by the VPN-ID.

Re claims 14, 19, and 23, the Examiner asserts that each of the routers of fig. 1 inherently maintains an VPN-ID table to distinguish over other VPNs. Applicants respectfully submit that the Examiner provides no rationale or evidence to support the asserted inherency. Even if the asserted inherency were true, applicants fail to understand how that would teach or suggest wherein the label further includes a forwarding label.

Re claim 24, the Examiner asserts that the backbone router inherently comprises a second route table to route other than VPN-ID association. Applicants respectfully submit that the Examiner provides no rationale or evidence to support the asserted inherency.

Re claims 25, 29, and 30-32, the Examiner refers to Claim 1, wherein each VPN-ID is associated with an addressing space (a portion of the route table). Applicants fail to understand how this teaches or suggests a second label identifying forwarding table corresponding to the virtual private network, the forwarding table including a portion of the route table.

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Conclusion

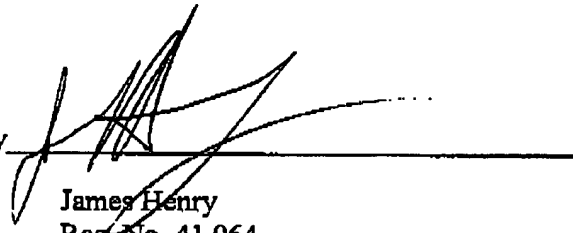
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 05/21/2004

By



James Henry
Reg. No. 41,064
Tel.: (714) 557-3800 (Pacific Coast)